



Borrower Checklist:

June 2016

Brownfield Revolving Loan Fund & State Revolving Fund Brownfield Nonpoint Source Project Funding

The Indiana Finance Authority (IFA) Environmental Programs, which consist of the Indiana Brownfields Program (Program) and State Revolving Fund (SRF) Loan Program, offer low-cost loans (that are not mutually exclusive) for eligible borrowers/projects. The IFA, in cooperation with the U.S. Environmental Protection Agency (U.S. EPA), administers these programs that protect both public health and the environment and may facilitate economic redevelopment. This checklist, while not all inclusive, should help a borrower to understand the loan process and standard requirements when borrowing federal funds for a brownfield remediation project. The IFA and the borrower share in satisfying the required steps for closing a loan for brownfield remediation using federal funds.

What loan funding is available?

- The Brownfields Program offers a Revolving Loan Fund (RLF) Incentive funded with U.S. EPA Brownfield RLF grant funds
 - Eligible borrowers are Indiana political subdivisions (as defined by Indiana Code 13-11-2-164(c)), private (for-profit) and nonprofit entities, and funds can be re-loaned to an eligible 3rd party
 - Eligible activities are for cleanup of petroleum and hazardous substances (per available funding) contamination at eligible brownfield sites
 - Rolling applications; first come, first served
- The SRF Loan Program offers low-interest loans
 - Funding to incorporated cities, towns, counties and regional water, sewer, waste, sanitary and conservancy districts for projects that improve wastewater and drinking water infrastructure
 - Low-interest loans are also available to private (for-profit) and nonprofit entities for brownfield projects
 - Rolling applications; evaluated, scored, and placed on SRF's project priority list (PPL) if approved
- The SRF Loan Program also funds activities that abate or prevent nonpoint source (NPS) pollution of Indiana's waters as a nonpoint source water pollution control project under the Section 319 of the Clean Water Act
 - Integrating a NPS project with a wastewater infrastructure project lowers the interest rate for an SRF loan by up to 0.5%, making available additional funds that can be applied to qualified NPS activities
 - See the "Brownfield Remediation Nonpoint Source Projects" Fact Sheet for information on the types of brownfield projects that may be eligible for SRF NPS funding

What are the standard requirements for borrowing Indiana Brownfields Program RLF funds to remediate a brownfield?

- Submission of a completed RLF application and associated, required site/project documentation
- Determination of borrower, activity, and site eligibility by the Program and U.S. EPA
- Community involvement
 - Establish a Public Repository (*e.g.*, at public library, City offices) where site documents can be accessed
 - Prepare a site-specific Community Relations Plan (CRP), approved by U.S. EPA, that is part of the Public Repository and includes opportunities for reasonable notice (*e.g.*, ~ 30-day public comment period), for involvement, for response to public comments, and for an administrative record to be available to the public, etc.
- Establish an Administrative Record (collection of documents related to site activities) that is part of the Public Repository, including, for example:
 - Applicable Indiana Department of Environmental Management (IDEM) Remediation Closure Guide (RCG) standards
 - Site investigation reports
 - Remediation Work Plan (RWP) (*see below*)
 - Analysis of Brownfield Cleanup Alternatives (ABCA) (*see below*)
 - National Historic Preservation Act (NHPA) findings/responses (*see below*)
 - Decision Memo, including response to public comments, if any
 - Remediation report
 - Program verification of completion of remedy
- Prepare a RWP

- Based on site assessment/investigation work
- Available for public notice/comment
- Program approval
- Conduct an ABCA
 - Analysis of reasonable cleanup alternatives (including no action) considering the site characteristics, surrounding environment, land-use restrictions, potential future uses, and cleanup goals
 - Includes effectiveness, implementability, and estimated cost of proposed cleanup alternatives
 - Available for public notice/comment
 - Program and U.S. EPA review and approval
- Meet all other applicable federal or State laws, including but not limited to:
 - Compliance with NHPA, documented by U.S. EPA approval
 - Compliance with the Davis-Bacon Act of 1931 (prevailing wage requirements)
 - Compliance with Disadvantaged Business Enterprise (DBE, formerly M/WBE) requirements
 - Compliance with contract administration provisions/competitive bidding rules, as applicable
- Provide public notice (comment period varies; usually 30 days concurrent for RWP, ABCA, and NHPA responses)
- Create and post signage for the duration of site remedial activities
- Perform the environmental cleanup (following public comment period & Program's issuance of notice to proceed/Decision Memo)
- Complete and document the environmental cleanup (final report)
- Submit Property Profile Form(s) & assist with Program reporting to U.S. EPA

What are the additional/different requirements when SRF NPS project funding is sought to remediate a brownfield?

- Demonstrated surface and/or groundwater impacts with data from a completed Phase II investigation
- An open wastewater SRF loan and/or a pending SRF loan application (early in the pre-closing process)
- A draft or final RWP (as a substitute for/addendum to the SRF-required Preliminary Engineering Report)
- A brownfield Revolving Loan Fund (RLF) Incentive application and supporting documentation to provide sufficient site/project background for Program technical review still needs to be completed and submitted

What are the basic required steps in the closing process for a loan for brownfield remediation?

- Establish approved collateral/repayment source identified in application
- Retain bond counsel & secure necessary local government approvals (*e.g.*, fiscal ordinances), if applicable
- Follow applicable State and/or federal procurement rules for contracted services that will be paid with loan
- Obtain/provide written site access agreement if the borrower is not the site owner
- Retain an environmental consulting firm to prepare RWP and ABCA and assist with other documents
- Establish and maintain a local Public Repository
- Place the CRP and Administrative Record in the Public Repository
- Execute Program-prepared loan agreement
- Issue notice to proceed with loan-funded work/Decision Memo to borrower from Program
- Comply with American Iron and Steel
- Receive bids prior to closing
- Document correct expenditures (actual expense method) and invoice the Program for reimbursement in accordance with applicable Program disbursement guidelines

Where can a community get more information about SRF loans and request funding for an NPS project?

For more information about the SRF borrowing process (applications are accepted on a rolling basis) or to discuss incorporating an NPS project into your Wastewater SRF loan, please contact Shelley Love at (317) 234-4396 or slove@ifa.in.gov and/or visit IFA's Web page at www.srf.in.gov.

Where can I get more information about the brownfield RLF Incentive for brownfields?

For more information about an RLF loan from the Indiana Brownfields Program, please contact Michele Oertel at (317) 234-0235 or moertel@ifa.in.gov and/or visit IFA's Web page at www.brownfields.in.gov.